

Annual Town Meeting April 25, 26 and 27, 2005

NOTE: *The 2005 Annual Town Meeting minutes printed below are excerpted from the official minutes of this meeting. For the complete text of all votes taken at this meeting, contact the Town Clerk's Office.*

Pursuant to the Warrant signed by the Selectmen on February 7, 2005, Town Moderator Edward N. Perry called the 2005 Annual Town Meeting to order at 7:00 pm on April 25, 2005 at the Concord-Carlisle High School Auditorium and Cafeteria. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit the meeting to be opened.

On a **MOTION** made by Margaret Briggs and duly seconded, the following was **VOTED**:

That this meeting be held in the Concord-Carlisle Regional High School auditorium, and if necessary, the cafeteria and upper gym, and that the halls be connected by means of a public address system so that the proceedings in the auditorium can be heard by all voters present in any hall.

Mr. Perry noted that he had appointed Carolyn Flood, George Dallas, Elizabeth Holmes and John Clymer to serve as Assistant Moderators at this Town Meeting, and that they had been duly sworn to the faithful and impartial discharge of their duties. On a **MOTION** made by Margaret Briggs and duly seconded, it was **VOTED**: To elect George Dallas as the Temporary Moderator to preside over this meeting if the Moderator elected by the Town is unable to serve in that position.

Mr. Perry urged everyone to read the Finance Committee Report, the "Moderator's Notes for the 2005 Annual Town Meeting," and "Concord's Town Meeting Traditions and Procedures." Mr. Perry mentioned that Dr. Susan Curtin would be serving as Town Meeting Resource Person in the Auditorium. Town Counsel William Leahy was introduced.

Fire Chief Ken Willette reviewed evacuation procedures in the event of an emergency.

Mr. Perry noted that George Sprott had been appointed Chief Teller, to be assisted by Todd Crocker. David Allen was appointed Ballot Supervisor, to be assisted by Cline Frasier, in the event of a ballot vote. Mr. Perry administered the oath of office to the Tellers and Ballot Counters.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Perry asked attendees to stand and observe a moment of silence and reflect on how, through this Town Meeting, our neighbors and we provide for our common good. He asked that we be reminded that the passions of the moment are not necessarily the best guide for our conduct in the future, and that if sacrifice by a few is required, the sacrifice should be only where the common goal is worthy of the sacrifice. He asked that we approach each issue, no matter how divisive, with an open heart, an open mind, and a sense of humor.

Upon a **MOTION** made by Margaret Briggs and duly seconded, it was

VOTED: That the reading of the Warrant and the Return of Service thereon be omitted.

Mr. Perry noted that at this time, he did not anticipate any motions under Articles 8, 13, 41, 48 and 51. He reviewed the schedule, the pre-scheduling of Articles 23, 24 and 25. Upon a **MOTION** made by Margaret Briggs and duly seconded, it was

VOTED: To consider taking up Article 26 on Tuesday evening, after the consideration of Articles 23, 24 and 25.

Upon a **MOTION** by Margaret Briggs and duly seconded, it was

UNANIMOUSLY VOTED: That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm tomorrow evening, April 26th.

ARTICLE 1. CHOOSE TOWN OFFICERS

Under Article 1, Mr. Perry reported the results of the **Town Election** held on **March 29, 2005**.

Upon a **MOTION** made by Margaret Briggs and duly seconded, it was

VOTED: That Article 1 be left open for such other action there under as may be necessary and that the meeting take up Article 2.

ARTICLE 2. HEAR REPORTS

Upon a **MOTION** made by Margaret Briggs and duly seconded, it was

VOTED: To accept the reports of the various Town Officers and Committees.

Following a brief explanation by Mr. Perry of the procedures for the proposed Consent Calendar, Ruth Lauer made the following **MOTION** that was duly seconded:

That the 2005 Annual Town Meeting advance for consideration Articles 14, 15, 16, 17, 18, 19, 20, 21 and 45, and take action on such Articles without debate on such Articles without debate, provided that, upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

After reading the motion and giving a brief explanation of each article, the Moderator inquired as to whether there was a request to drop any of the Articles from the Consent Calendar motion. With no such requests made, and upon a show of hands, with a **UNANIMOUS VOTE** on each article, the Consent Calendar was accordingly **VOTED** as follows:

CONSENT CALENDAR *(Articles 14, 15, 16, 17, 18, 19, 20, 21 and 45)*

ARTICLE 14. PROPERTY TAX EXEMPTION

Upon a **MOTION** duly made and seconded, it was

VOTED: To accept the provisions of §4 of Ch. 73 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988, and to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, and 41C of §5 of Ch. 59 of the MGL.

ARTICLE 15. LIGHT PLANT PAYMENT IN LIEU OF TAXES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the Town vote to authorize a transfer of \$340,000 from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for FY 2006.

ARTICLE 16. LIGHT PLANT EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from sales of electricity, and from servicing and jobbing during the ensuing fiscal year, together with the balance of operating cash in the Light Plant, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant.

ARTICLE 17. ROAD REPAIR REVOLVING FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income and fees paid by applicants to the Commissioners of Public Works for permits to dig up, alter or disturb a public way, in an amount not to exceed \$100,000, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways.

ARTICLE 18. SOLID WASTE DISPOSAL FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees for solid waste disposal services by Concord Public Works be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 19. SEWER SYSTEM EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 20. SEWER IMPROVEMENT FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 21. WATER SYSTEM EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 45. DEBT RESCISSION

Upon a **MOTION** duly made and seconded, it was

VOTED: To rescind the unused balances of borrowing authorizations for Articles 55, 56 and 59 of 2003.

End of Consent Calendar

ARTICLE 3. MEETING PROCEDURE

Upon a **MOTION** made by Hugh Lauer and duly seconded, it was

VOTED: To adopt a Rule of the Meeting governing requirements on motions and amendments to motions made under articles concerning expenditures, in order to assure compliance with the requirements of Proposition 2½.

ARTICLE 4. SECRET BALLOT VOTING PROCEDURE

Upon a **MOTION** made by Judith Terry and duly seconded, it was

VOTED: That the 2005 Annual Town Meeting adopt the following Rule for the conduct of the 2005 Annual Town Meeting:

On any vote at this Meeting, the vote shall be taken by secret ballot if 100 voters present at the Meeting so request before the Moderator calls for a vote to be taken.

ARTICLE 5. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

Upon a **MOTION** made by Anthony DeGregorio and duly seconded, it was

VOTED: To ratify the Personnel Board's actions to amend the Classification and Compensation Plan for Administrative-Clerical-Library employees for FY2005.

ARTICLE 6. CLASSIFICATION & COMPENSATION PLAN FOR ACL & LABORING EMPLOYEES

Upon a **MOTION** made by Anthony DeGregorio and duly seconded, it was

VOTED: To amend the Classification and Compensation plans for Administrative-Clerical-Library and Laboring employees, effective July 1, 2005.

ARTICLE 7. CLASSIFICATION & COMPENSATION PLAN FOR MANAGERIAL & PROFESSIONAL EMPLOYEES

Upon a **MOTION** made by Anthony DeGregorio and duly seconded, it was

VOTED: To amend the Classification and Compensation plan for Managerial and Professional employees, effective July 1, 2005.

ARTICLE 8. PERSONNEL BYLAW AMENDMENTS—CLASSIFICATION & COMPENSATION PLAN

There was **NO MOTION** under this Article.

ARTICLE 9. TOWN BUDGET

Upon a **MOTION** made by Margaret Briggs and duly seconded, it was

VOTED: To raise and appropriate the following sums of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2006, provided that no amount in excess of \$25,235,624 shall be considered appropriated unless such amount, up to an additional \$291,000, is voted by the Town to be exempt from the limitation on total taxes imposed by MGL Ch. 59, §21C (Proposition 2½); and that the same be expended only for such purposes under the direction of the Selectmen and Town Manager:

Item No.	Department	FY06 Appropriation	Amount Contingent
General Government			
1A	Town Manager	245,724	
1C	Town-wide building maintenance	90,000	6,500
	TOTAL Town Manager Acct.#1	335,724	6,500
2	Legal Services	250,000	
3A	Elections	22,863	
3B	Registrars	9,530	
	TOTAL Elections & Registrars Acct. #3	32,393	
4	Town Meeting & Reports	66,415	
<u>5</u>	Planning and Land Management		
5A	Planning	199,552	
5B	Board of Appeals	43,792	
5C	Natural Resources	150,405	5,000

5E	Inspections	288,566	20,000
5F	Health	176,117	
	TOTAL Planning & Land Management	858,432	25,000
6	141 Keyes Road	57,664	
	Total General Government	1,600,628	31,500

Finance and Administration

7	Finance Committee	1,225	
8	Personnel Administration	126,307	
9	Finance Department		
9A	Administration	166,299	
9B	Treasurer-Collector	205,460	
9C	Town Accountant	111,135	
9D	Assessors	237,388	
9E	Town Clerk	167,367	
	TOTAL Finance Department	887,649	
10	Information Systems	291,447	15,000
11	Town House	89,310	
	Total Finance and Administration	1,395,938	15,000

Public Safety

12	Police Department	3,111,364	25,000
13	Fire Department	2,751,229	30,000
14	West Concord Fire Station	36,058	
15	Police and Fire Station	183,587	32,000
16	Emergency Management	8,360	
17	Animal Control	16,306	
	Total Public Safety	6,106,904	87,000

Public Works and Facilities

18	CPW Administration	137,774	
19	Engineering	289,183	72,500
20	Highway Maintenance	971,586	16,000
21	Snow Removal	405,000	
22	Parks and Trees	455,914	
23	Cemetery	54,136	
24	Street Lighting	64,780	
25	CPW Equipment	249,000	
26	Drainage Program	140,000	60,000
27	Sidewalk Management	80,000	
28	133/135 Keyes Road	71,848	
	Total Public Works and Facilities	2,919,221	148,500

Human Services

29	Library	1,458,361	9,000
30	Recreation Administration	74,233	
31	Hunt Recreation Center	70,482	
32	Swim & Health Center	100,000	
33	Harvey Wheeler Community Center	97,707	

34	Council on Aging	185,450	
36	Veterans Services and Benefits	28,032	
37	Ceremonies and Celebrations	22,725	
38	Information Center	29,319	
	Total Human Services	<u>2,066,309</u>	9,000
Unclassified			
39	Town Employee Benefits	62,000	
40	Reserve Fund	200,000	
41	Salary Reserve	400,000	
43	Road Improvements	80,000	
	Total Unclassified	<u>742,000</u>	
	Subtotal, accounts 1 - 43	14,831,000	291,000
Joint (Town-CPS)			
44A	Group Insurance	2,820,000	
44B	Property & Liability Insurance	225,000	
	TOTAL Insurance Acct. #44	3,045,000	
45	Unemployment & Workers' Comp.	175,000	
46	Retirement	2,242,250	
47	Social Security & Medicare	475,000	
48A	Debt Service - within levy limit	2,650,000	
48B	Debt Service - debt exclusion	2,108,374	
	TOTAL Debt Service Acct. #48	<u>4,758,374</u>	
	Total Joint Accounts	10,695,624	
	TOTAL ARTICLE 9	25,526,624	291,000

ARTICLE 10. PUBLIC SCHOOL BUDGET

On a **MOTION** made by Rebecca Shannon and duly seconded, the following was:

VOTED UNANIMOUSLY: That the Town raise from the tax levy and appropriate the sum of \$24,285,000 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2006, provided that no amount in excess of \$24,058,000 shall be considered appropriated unless such amount up to an additional \$227,000 is voted by the Town to be exempt from the limitation on total taxes imposed by Proposition 2½.

ARTICLE 11. REGIONAL SCHOOL BUDGETS

Motion 1. Concord-Carlisle Regional School

On a **MOTION** made by Rebecca Shannon and duly seconded, the following was:

VOTED UNANIMOUSLY: That the Town raise from the tax levy and appropriate the Town's apportioned share of \$11,196,047 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2006, provided that no amount in excess of \$10,961,567 shall be considered appropriated unless such amount up to an additional \$234,480 is voted by the Town to be exempt from the limitation on total taxes imposed by Proposition 2½.

Motion 2. Minuteman Regional Vocational Technical School District

Upon a **MOTION** made by John Lang and duly seconded, it was

UNANIMOUSLY VOTED: To raise from the tax levy and appropriate the Town's apportioned share of \$431,529 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2006.

ARTICLE 12. FREE CASH USE

Upon a **MOTION** made by Hugh Lauer and duly seconded, it was

VOTED: To authorize and direct the Assessors to take \$500,000 from Free Cash to reduce the tax levy for the fiscal year ending June 30, 2006.

ARTICLE 13. UNPAID BILLS

There was **NO MOTION** under this Article.

ARTICLES 14-21. Voted previously under Consent Calendar.

ARTICLE 22. 2005 ROAD PROGRAM

Upon a **MOTION** made by Jeff Adams and duly seconded, the following was

UNANIMOUSLY VOTED: To appropriate the sum of \$900,000 for the reconstruction or renovation of roads and streets within the town and for traffic signals, and that to meet said appropriation, the Town authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$900,000; and that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose, and that the Town Treasurer with the approval of the Board of Selectmen, be authorized to borrow up to the amount stipulated in such grant or grants in anticipation of reimbursement of this amount.

ARTICLES 23-26. These articles were pre-scheduled and taken up on April 26.

ARTICLE 27. MILL DAM CULVERT DESIGN

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$75,000 to be expended under the direction of the Town Manager, for the purposes of planning, designing and obtaining any necessary permits and approvals for the rehabilitation of the Mill Dam culvert under Main Street in Concord Ctr.; and that to meet this appropriation, the Treasurer with the approval of the Selectmen, be authorized to borrow \$75,000.

ARTICLE 28. EMERSON TENNIS & BASKETBALL COURTS REPAIR

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was

UNANIMOUSLY VOTED: To appropriate the sum of \$300,000 to be expended under the direction of the Town Manager for the purpose of reconstructing the tennis and basketball courts and appurtenances at Emerson playground; and that to meet this appropriation, the Treasurer with the approval of the Selectmen, be authorized to borrow \$300,000.

ARTICLE 29. HUNT GYM IMPROVEMENTS

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$100,000 to be expended under the direction of the Town Manager for the purpose of making renovations to the locker room facilities and appurtenances at the Hunt Gym on Stow Street; and that to meet this appropriation, the Treasurer with the approval of the Selectmen be authorized to borrow \$100,000.

ARTICLE 30. POOL ENTERPRISE FUND

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was

VOTED: To establish an Enterprise Fun in accordance with MGL Chapter 44, §53F½ to account for the operation of any swim and health facility under construction on the Concord-Carlisle Regional High School campus.

ARTICLE 31. HEALTH & SWIM FACILITY EQUIPMENT

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$515,000 to be expended under the direction of the Town Manager for the purpose of purchasing health and fitness equipment, office equipment and other related equipment necessary for the operation of the facility being located on the Concord-Carlisle Regional High School campus; and that to meet this appropriation, the Treasurer with the approval of the Selectmen, be authorized to borrow \$515,000.

At 10:40 pm, a **MOTION TO ADJOURN** was duly made, seconded, and **VOTED**.

Adjourned Session—April 26, 2005

The second session of the 2005 Annual Town Meeting was called to order by Moderator Ned Perry at 7:00 pm. Mr. Perry thanked Town and School staff for their assistance in preparing for and conducting Town Meeting. He noted the 2004 Town Report and the importance of citizen participation in the operation of the Town. He encouraged those interested in serving to pick up a Green Card.

Mr. Perry announced the appointments to the Finance Committee, and thanked those members whose terms will be expiring at the adjournment of Town Meeting.

Selectman Phil Benincasa recognized Town employees with 25 or more years of service. Rebecca Shannon recognized School employees with 25 or more years of service.

Upon a **MOTION** made by Margaret Briggs and duly seconded, it was

VOTED: To take up no new business after 10:00 pm, and when we adjourn, we adjourn and reconvene at 7:00 pm on Wednesday, April 27, 2005.

ARTICLE 23. CONCORD PUBLIC SCHOOL RENOVATION

On a **MOTION** made by Jerry Wedge and duly seconded, the following was

UNANIMOUSLY VOTED: To appropriate the sum of \$770,446.96 for the purposes of renovations, extraordinary repairs, equipment and related work at Concord Public School facilities; and that to meet this appropriation, the Town Treasurer with the approval of the Selectmen, is authorized to borrow the sum of \$630,000. The remainder of the appropriation shall be met by transfer of the remaining available funds from unexpended bond proceeds of previous school projects.

ARTICLE 24. DESIGN FUNDS FOR NEW WILLARD SCHOOL

The following **MOTION** was made by Patrick Sinnott and duly seconded:

To appropriate the sum of \$1,000,000 to be expended under the direction of the Town Manager, for the purpose of financing preliminary design services for a new Willard School building; and that to meet this appropriation, the Treasurer with the approval of the Selectmen, be authorized to borrow \$1,000,000; provided that no debt shall be issued unless the amounts required to pay for the principal and interest on the bonds and notes are voted to be exempt from the limitation on total taxes imposed by Proposition 2½.

A **MOTION TO AMEND** was made by Lauren Walters and duly seconded. After discussion, a vote was taken by a show of hands, and the **AMENDMENT FAILED TO PASS**. A **MOTION** was made by Pieter Schiller to use a secret ballot for the vote on Mr. Sinnott's motion. Mr. Schiller's motion was duly seconded and a vote was taken, with fewer than 100 voters wishing to have a secret ballot, so Mr. Schiller's **MOTION FAILED**. After further discussion, Suzanne Childs **CALLED THE QUESTION**, which was duly seconded. This motion passed and a vote was taken on Mr. Sinnott's motion, which **PASSED BY A TWO-THIRDS MAJORITY**, and was so declared by the Moderator.

ARTICLE 25. CCHS IMPROVEMENTS

Upon a **MOTION** made by Patrick Sinnott and duly seconded, the following was

VOTED: To approve \$590,000 of debt authorized by the Concord-Carlisle Regional School District for the purposes of financing replacement of the current upper gymnasium bleacher system, the outdoor bleacher system, and to perform structural canopy repairs, provided that the amounts required to pay the Town's assessable share of the bonds to be issued by the Concord-Carlisle Regional District are voted by the Town to be exempt from the limitation of total taxes imposed by Proposition 2½.

ARTICLE 26. TESTING FOR LEAD IN SCHOOL DRINKING WATER (by petition)

The following **MOTION** was made by Lee Ann Kay and duly seconded:

To instruct the Selectmen to secure the revision of Concord's regulation for testing lead in school drinking water, so that it complies with current EPA and DEP guidelines, and to direct the Selectmen to appoint qualified individuals to monitor and report upon the implementation of the school lead testing procedures.

Selectman Margaret Briggs made the following **MOTION TO AMEND**, which was duly seconded:

To insert a period after the word "guidelines" and to delete the rest of Ms. Kay's motion.

A **VOTE** was taken on Ms. Briggs amendment, which **PASSED**. A counted **VOTE** was then taken on the amended main motion, which **PASSED** (262 in favor; 155 opposed).

ARTICLES 27-31. These articles were taken up on April 25.

ARTICLE 32. LAND ACQUISITION—BURKE LAND ON OLD BEDFORD ROAD

Upon a **MOTION** made by Dinny McIntyre and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To authorize the Selectmen to purchase land now or formerly owned by Gerard Burke, for municipal purposes, said land being located at 11A Old Bedford Road, containing 14.4 acres, more or less, and further that the Town vote to appropriate \$2,750,000 to pay the costs of such purchase; and further that the Town authorize the Treasurer with the approval of the Selectmen, to borrow \$2,750,000 to meet this appropriation; and further that the Town request that the Selectmen present to the 2006 Annual Town Meeting a plan for funding this land acquisition, including the possible sale of any existing Town assets.

At this point in the proceedings, George Dallas assumed the role of Temporary Moderator.

ARTICLE 33. RESOLUTION IN SUPPORT OF THE CONCORD YOUTH THEATRE (by petition)

There was **NO MOTION** under this article. Nick Paleologos was allowed to make a statement concerning the article.

At 9:55 pm, a **MOTION TO ADJOURN** was duly made, seconded, and **VOTED**.

Adjourned Session—April 27, 2005

The third session of the 2005 Annual Town Meeting was called to order by the Town Moderator Ned Perry at 7:00. pm.

ARTICLE 34. CREATION OF CHURCH STREET HISTORIC DISTRICT

Upon a **MOTION** made by Steven Ng and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To create a new Historic District to be known as the Church Street Historic District, incorporating all structures and amenities located on the following historic properties (including any subsequent subdivision of said properties): Parcels 2411, 2447, and 2446; and to amend the Historic Districts map accordingly.

ARTICLE 35. AMENDMENT TO DEMOLITION DELAY BYLAW

There was **NO MOTION** under this article.

ARTICLE 36. EXCHANGE OF EASEMENTS RELATIVE TO HARVEY WHEELER COMMUNITY CENTER & OUR LADY HELP OF CHRISTIANS CHURCH PROPERTY

Upon a **MOTION** made by Dinny McIntyre and duly seconded, the following was

VOTED: To authorize the Selectmen to grant parking and access easements over the Harvey Wheeler Community Center property at 1276 Main Street, to the benefit of the Roman Catholic Archdiocese of Boston and/or other parties and their successors and assigns, for the purpose of allowing access and parking by owners and visitors of the properties at 53 and 55 Church Street, provided such properties are used for religious purposes; said easements to be under terms and conditions agreeable to the Selectmen; and to authorize the Selectmen to accept reciprocal grants of easements.

ARTICLE 37. ZONING BYLAW AMENDMENT—SPECIAL DIMENSIONAL EXCEPTION FOR REAR AND/OR SIDE YARD SETBACK

Upon a **MOTION** made by Chris Toomey and duly seconded, the following was **VOTED BY TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To amend subsection 6.3.3 of the Zoning Bylaw to add a provision that allows waiver of the rear and side yard setback dimensions in order to create an additional building lot when there is an existing historically significant structure on the lot.

ARTICLE 38. LAND ACQUISITION—PORTION OF OUR LADY HELP OF CHRISTIANS PROPERTY

There was **NO MOTION** under this article.

ARTICLE 39. ZONING BYLAW AMENDMENT—TEMPORARY DEMOLITION MORATORIUM

There was **NO MOTION** under this article.

ARTICLE 40. ZONING BYLAW AMENDMENT—ACCESSORY DWELLING UNIT

The following **MOTION** was made by Stanley Black and duly seconded:

To amend subsection 4.2.2.2 of the Zoning Bylaw to expand the opportunity for creating additional dwelling units within single-family dwelling or detached accessory structures.

A **MOTION TO AMEND** was made by O. Mario Favorito and duly seconded to delete the phrase “or detached accessory structures” from Mr. Black’s motion.

A **MOTION** made by S. Win Wilbur to **CALL THE QUESTION** passed by a two-thirds vote, and was so declared by the Moderator. A **VOTE** was then taken on Mr. Favorito’s **MOTION TO AMEND**, which **PASSED**. After further discussion, a **VOTE** was taken on the revised main motion, which **FAILED TO PASS** on a show of hands.

ARTICLE 41. AMEND TOWN BYLAWS TO ADD A PROHIBITION OF EXCESSIVE OR UNWARRANTED NOISE (by petition)

There was **NO MOTION** under this article.

ARTICLE 42. AUTHORIZATION OF LONG-TERM CONTRACT FOR PUBLIC, EDUCATIONAL & GOVERNMENTAL ACCESS

Upon a **MOTION** made by Judith Terry that was duly seconded, the following was

VOTED: To authorize the Town Manager to enter into a long-term contract for Public, Educational and Governmental community access television services.

ARTICLE 43. FY05 SUPPLEMENTAL APPROPRIATION FROM LAND FUND

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was

VOTED: To appropriate as a supplemental appropriation for fiscal year 2005 and transfer from available funds in the Land Fund the sum of \$710,000 to be expended under the direction of the Town Manager for the purpose of paying a portion of the principal amount of the bond anticipation notes for the Ammendolia land acquisition.

ARTICLE 44. COMMUNITY PRESERVATION ACT BYLAW AMENDMENT

Upon a **MOTION** made by Margaret Briggs and duly seconded, the following was

VOTED: To amend the Community Preservation Committee Bylaw Chapter 1, Establishment section (2) to provide for staggered terms, and to add a new Chapter 7. Application Exemption Deadline.

ARTICLE 45. Passed under Consent Calendar on April 25.

ARTICLE 46. LIGHT PLANT DISTRIBUTION SYSTEM IMPROVEMENTS

Upon a **MOTION** made by Robert Harper and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$1,500,000, to be expended under the direction of the Town Manager for the purpose of remodeling, reconstructing and making extraordinary repairs to the Light Plant facilities and distribution system upgrade and improvements; and to meet this appropriation, the Treasurer with the approval of the Selectmen be authorized to borrow \$1,500,000, with the debt to be repaid from the revenues of the Light Fund.

ARTICLE 47. WASTEWATER TREATMENT PLANT FACILITY IMPROVEMENTS

Upon a **MOTION** made by Elissa Brown and duly seconded, the following was

UNANIMOUSLY VOTED: To appropriate the sum of \$12,000,000 for the construction of improvements to the Wastewater Treatment Plant Facility; and that to meet this appropriation, the Treasurer with the approval of the Selectmen be authorized to borrow \$12,000,000; and that the Treasurer with the approval of the Selectmen be authorized to borrow all or a portion of such amount from the Mass. Water Pollution Abatement Trust; and that the Town Manager is authorized to enter into a project regulatory agreement with the Dept. of Environmental Protection.

ARTICLE 48. MORATORIUM AND RESTRICTION ON INSTALLATION OF IN-GROUND IRRIGATION SYSTEMS.

There was **NO MOTION** under this article.

ARTICLE 49. AMENDMENT TO NON-CRIMINAL DISPOSITION OF VIOLATIONS BYLAW FOR NOW & ICE IN THE PUBLIC WAY

Upon a **MOTION** made by Sally Schnitzer and duly seconded, the following was

VOTED: To amend the Non-Criminal Disposition of Violations Bylaw by increasing the fines for snow and ice in the public way.

ARTICLE 50. SNOW PLOWING—DUNBAR WAY (by petition)

Upon a **MOTION** made by Anant Khanolkar and duly seconded, the following was

VOTED: To authorize the Dept. of Public Works to remove snow and ice from Dunbar Way.

ARTICLE 51. ENCROACHMENT—60 LANG STREET

There was **NO MOTION** under this article.

The meeting concluded with the business of the Warrant, and upon a **MOTION** duly made and seconded, the 2005 Annual Town Meeting adjourned and dissolved at 10:55 pm.

Respectfully submitted,

Anita S. Tekle
Town Clerk

ATTENDANCE: There 415 registered voters in attendance on 4/25; 816 on 4/26; and 385 on 4/27. During the course of the three nights of Town Meeting, 1,032 different voters were in attendance, representing 9% of the registered voters.